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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,138	11/17/2000	Joo-Soo Lim	3430-0143P	5523

7590

03/19/2003

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EXAMINER

AKKAPEDDI, PRASAD R

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/714,138

Applicant(s)

LIM, JOO-SOO

Examiner

Prasad R Akkapeddi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

***Drawings***

1. The objection to the drawings indicated in the office action dated 10/19/2002 is hereby withdrawn.
2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Response to Arguments***

3. Applicant's arguments filed on 01/23/2003 have been fully considered but they are not persuasive. The original rejections as stated in the Office Action dated October 19, 2002 are still valid. Following is a response by the examiner to the applicant's arguments:

(a) Claims 9 and 10 rejected under 35 U.S.C. 102(b) as being anticipated by Kim (U.S. Patent No. 5,335,103).

(b) Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of applicant's cited conventional art.

(c) Claims 1,2, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Yamamoto et al. (Yamamoto) (U.S. Patent No. 6,095,203).

(d) Claims 3- 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim and Yamamoto as applied to claims 1-2 above, and further in view of the applicant's cited conventional art.

4. Applicant's argument No.1 (Page 4, lines 14-16): Kim fails to disclose or show an open portion such as the open portion 113 shown in Fig. 7 of the application.

Examiner's response to argument No. 1: The claim 9 recites ' the lower substrate having an open portion that elongates from an injection port'. Kim does disclose this configuration wherein the lower substrate (22) has an open portion that elongates from an injection port (24) (Fig. 2).

5. Applicant's argument No. 2 (page 4, lines 19-21): The open portion 113 of the present invention is indented from the side of the lower substrate 102.

Examiner's response to argument No. 2: The word 'indentation' is not in the claims.

6. Applicant's argument No. 3 (page 5, lines 10-12): No admission of prior art has been made in the application, and the utilization of the Applicant's disclosure as prior art is improper.

Examiner's response to argument No. 3: Although it is shown as 'related art' on the drawings, but the figures 1-4 are shown in the specification as 'conventional art' or 'conventional method'. See pages 3-4 of the specification.

7. Applicant's argument No. 4 (15-17): The conventional art in the specification fails to address the failure of Kim to disclose or suggest the utilization of an open portion.

a. Examiner's response to argument No. 4: As discussed before an open portion is shown in Fig. 2 of Kim. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

8. Applicant's argument No. 5 (Page 6, lines 13-15): Yamamoto fails to disclose or suggest a tray having a protruded portion.

Examiner's response to argument No. 5: An injection connector (22) having evacuation connectors (23, 24) that are protruded are shown in Figs. 4, 7, 10 and 12. Yamamoto also draws a comparison between the conventional art and his invention in columns 1-3.

9. Applicant's argument No. 6 (Page 7, lines 17-18): The technology of Yamamoto is directed at an injection method, which does not utilize capillary action. Therefore, the Examiner is turning to non-analogous art in making the rejection.

Examiner's response to argument No. 6: Although Yamamoto's method of injection is different, in fact, Yamamoto does disclose capillary action in describing the

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conventional example (Col. 2, lines 14-15. Injecting the liquid crystal via capillary action is well known as suggested by both Yamamoto and the applicant's conventional art. Both references deal with the injection of liquid crystal material into the cell. Hence the art is analogous.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prasad R Akkapeddi whose telephone number is 703-305-4767. The examiner can normally be reached on 7:00AM to 5:30PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H Kim can be reached on 703-305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0530.

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March 4, 2003

  
SUPERVISOR  
TECHNICAL  
EXAMINER  
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